Single Bench

CF 5002

S.B. (Service Matter)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

(CHHATTISGARH)

WRIT PETITION(S) NO. 7186/2006.

PETITIONERS:

1. Bhuvneshwar Patel, S/o Kanhaiya Lal, aged about 37 years, Govt. Higher Secondary School, Kondatarai, Dist. Raigarh, Chhattisgarh.
2. Anil Kumar Gupta, S/o Shyam Sundar, aged about 37 years, Asst. Teacher, Govt. Middle School, Garewani, Dist. Raigarh, Chhattisgarh.
3. Hitendra Singh Patel, S/o J.L.Patel, aged about 39 years, Asst. Teacher, Govt. High School, Dharamjaigarh, Raigarh, Dist. Raigarh, Chhattisgarh.
4. Babu Lal Patel, S/o Gayaram Patel, aaged about 39 years, Asst. Teacher, Govt. Higher Secondary School, Kondatarai, Dist. Raigarh, Chhattisgarh.
5. Ganesh Prasad Sahu, S/o Shri Lakesh Ram, aged about 39 year, Govt. Higher Secondary School Mura, District Raigarh, Chhattisgarh.

P.R. No. 6650/06
Presented on P. Sahu
dated 22-11-06

OATH COMMISSIONER
S.R. Kaushik
22/11/06

VERSUS

Respondents

1. State of Chhattisgarh, Through The Secretary School Education Department Ministry D.K.S.Bhawan, Raipur, Chhattisgarh.
2. The District Education Officer, Raigarh

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WRIT PETITION UNDER ARTICLE 226/~~227~~ OF THE CONSTITUTION OF INDIA

1. PARTICULARS OF THE PETITIONERS:

XI-HC-78

(12) (10)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.7186/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

02.01.2007

Shri O.P. Sahu, learned counsel for the petitioners.
Smt. Sunita Jain, learned P.L. for the State/respondents.

By this petition under Articles 226/227 of the Constitution of India, the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No. 1452/1998 (Harish Chandra Singh and others Vs. State of M.P. and others) dated 31.1.2000

2. Learned counsel appearing for the petitioners placed reliance on the order dated 3rd October 2006 passed by this Court in Writ Petition (S) No. 5473/2006 (Rakesh Kumar Sharma and another Vs. State of Chhattisgarh and others) and in Writ Petition (S) No. 5474/2006 (Jai Nath Bajpai Vs. State of Chhattisgarh and others) and submits that the petitioners are similarly situated, therefore, the similar order may be passed.

3. The case of the petitioners is that they were appointed as Assistant Teachers in the School Education Department on probation for a period of two years with the fixed salary. However, later on, after completion of two years' probation, the petitioner was regularized but, they were not given the regular pay scale from the date of their initial appointment. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal vide order dated 31.1.2000 allowed the same. The petitioners made several representations to accord the same

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.7186/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

treatment as they were also similarly situated, but, the respondents have not paid any heed. Hence, this petition.

4. Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioners and same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31.1.2000, to which learned counsel for the respondents/State has no objection.

5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to make a representation within a period of two weeks from today to respondent No.1, raising all their grievances and, in turn, respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioners and taking into account the order dated 31.1.2000 passed by the learned State Administrative Tribunal in Original Application No. 1452/1998.

6. The writ petition is accordingly disposed of with the aforesaid direction. No order as to costs.

7. Certified copy as per rules.

Sd/-
Dhirendra Mishra
Judge

P.T.O.